

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE MERRILL LYNCH & CO., INC.	:	Master File No.:
SECURITIES, DERIVATIVE AND ERISA	:	07cv9633 (JSR)(DFE)
LITIGATION	:	
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This Document Relates to:	:	
Derivative Action, 07cv9696 (JSR)(DFE)	:	Electronically Filed
	:	
-----	X	NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of The Motion of Defendant Jeffrey N. Edwards to Dismiss the Verified Third Amended Shareholder Derivative and Class Action Complaint and all prior papers and proceedings herein, Defendant Jeffrey N. Edwards will move this Court, before the Honorable Jed S. Rakoff, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order: (a) dismissing the Verified Third Amended Shareholder Derivative and Class Action Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b); and (b) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
September 21, 2009

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